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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,055	12/21/2001	William Earl Vernon	13390-002001	2965
26161	7590	05/07/2004	EXAMINER	
FISH & RICHARDSON PC 225 FRANKLIN ST BOSTON, MA 02110			ABEL JALIL, NEVEEN	
			ART UNIT	PAPER NUMBER
			2175	

DATE MAILED: 05/07/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/028,055

Applicant(s)

VERNON, WILLIAM EARL

Examiner

Neveen Abel-Jalil

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

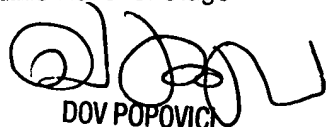
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


DOV POPOVIC
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Specification

1. The abstract of the disclosure is objected to because in the abstract, line 1, "is disclosed" should be deleted. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

2. Claim 2 is objected to because of the following informalities: In claim 2, line 2, the recitation of "the unique" is repeated twice and therefore needs to be deleted. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

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Regarding claim 17, line 6, the phrase "or the like" renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-21 are rejected under 35 U.S.C. 102(e) as being anticipated by Balent (U.S. Pub. No. 2003/0158796 A1).

As to claim 1, Balent discloses a system for managing physical assets (See abstract), comprises:

a computer database that tracks physical assets based on a unique code embedded in a machine scannable identifying label attachable to the physical assets (See page 9, paragraphs 0195-0197);

a plurality of scanners capable of reading the identifying labels (See page 9, paragraphs 0195-0197);

a communications link between the scanners and the computer database (See pages 12-13, paragraph 0251, also see page 12, paragraph 0244); and

wherein the identifying label is scanned by the scanners and the unique identification information is transmitted over the communications link to the computer database at each point in a cycle of change in status of the item (See page 18, paragraphs 0310-0316).

As to claim 2, Balent discloses further comprising sending location information to the computer database along with the unique identification (See page 12, paragraphs 0248-0251).

As to claim 3, Balent discloses wherein the unique identifying code is unique for all items tracked by the system and no two parts of different classes and not two items of a class of items tracked will share the same identification (See page 13, paragraphs 0258-0259).

As to claim 4, Balent discloses wherein the unique identifying code is associated with data in the computer database that describes the item being tracked (See page 13, paragraphs 0258-0259).

As to claim 5, Balent discloses wherein the data comprises information specific to the item of inventory (See page 13, paragraphs 0258-0259).

As to claim 6, Balent discloses wherein the identifying label is scanned when the item of inventory is moved (See page 17, paragraphs 0293-0297).

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As to claim 7, Balent discloses comprising a database server connected so as to be able to query the computer database responsive to a user inquiry (See page 9, paragraphs 0197-0200, wherein “query” reads on “selection”, also see page 11, paragraphs 0223-0231).

As to claim 8, Balent discloses wherein the database server is connected to a network (See page 22, paragraph 0373, also see page 15, paragraph 0274).

As to claim 9, Balent discloses wherein the network comprises the World Wide Web (See page 22, paragraph 0373, also see page 15, paragraph 0274).

As to claim 10, Balent discloses wherein the location of the item of inventory is updated in real time to the database (See page 16, paragraph 0282, and see page 3, paragraph 0033).

As to claim 11, Balent discloses wherein the information about the item of inventory comprises information specific to the item (See page 22, paragraph 0371).

As to claim 12, Balent discloses wherein the communications link is wireless (See page 22, paragraph 0373).

As to claim 13, Balent discloses wherein a vendor is connected to the communications link to the database and provides information about the item of inventory to the database (See

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page 22, paragraphs 0373-0377).

As to claim 14, Balent discloses a method of asset management comprising:
providing a central computer database having records of tracked items identified by a unique identifying code (See page 18, paragraph 0312, also see page 9, paragraphs 0195-0197);
providing a communications link between a scanner and the central computer database and at each point in a cycle of change in status of the item scanning the machine scannable label when the item status is changed (See pages 18-19, paragraphs 0312-0319, also see page 23, paragraphs 0381-0382); and
transmitting the information scanned to the central computer database (See page 18, paragraph 0312).

As to claim 15, Balent discloses wherein the item status comprises location and scanning, encodes the location in each status update (See page 12, paragraphs 0248-0249, also see pages 10-11, paragraph 0222).

As to claim 16, Balent discloses wherein the central database provides users of the method real-time sharing of relevant information such as order status, stocking location, notifications, or any other special instructions (See page 14, paragraph 0266).

As to claim 17, Balent discloses further comprising:

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uniquely identifying which specific product classes deserve tracking, and for each unit of each class that deserves tracking (See page 18, paragraphs 0305-0311, also see page 15, paragraphs 0268-0272);

assigning a unique identifier number, which is physically placed on the item wherever possible (See page 22, paragraphs 0370-0371, also see page 26, paragraph 0449), the unique identifier is unique for all items tracked by the system, unlike serial numbers and the like, no two parts of different classes or within the same class possesses the same unique identification (See page 13, paragraphs 0258-0259).

As to claim 18, Balent discloses further comprising:

a logistical asset management network and process that are used together as a feedback system that allows for the tracking of items (See page 24, paragraphs 0418-0429, also see pages 17-18, paragraphs 0297-0301), providing real time data on which identified products status (See page 16, paragraph 0282, and see page 3, paragraph 0033).

As to claim 19, Balent discloses status comprises:

tracking that items installed at a customer location, inventory, disposed of or being repaired to provide data to the central database concerning the ultimate disposition of each product (See page 21, paragraphs 0352-0357, also see page 21, paragraphs 0354-0357).

As to claim 20, Balent discloses wherein the logistical asset management network (See page 24, paragraph 0405), comprises:

an electronic data interchange network that links multiple computer systems in order to track the status and usage history, via the unique identifier numbers in various locations on a real-time basis (See page 24, paragraphs 0418-0429, also see pages 17-18, paragraphs 0297-0301).

As to claim 21, Balent discloses wherein the logistical asset management network and process includes three data-exchange points installation, maintenance, and disposal (See page 3, paragraphs 0032-0035, also see page 14, paragraphs 0265-0266).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Lucas (U.S. Pub. No. 2001/0051905 A1) teaches inventory control system and methods.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 703-305-8114.

The examiner can normally be reached on 8:00AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici can be reached on 703-305-3830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Neveen Abel-Jalil
April 27, 2004



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